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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/049,890   | 02/13/2002  | Peter John Crocker   | IPL-2-PCT-US        | 2383             |
| 7590   | 05/19/2005  |                      | EXAMINER            | MAIORINO, ROZ    |
| Ronald B Sherer<br>Bartlett & Sherer<br>103 South Shaffer Drive<br>New Freedom, PA 17349 |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3763                |                  |

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/049,890             | CROCKER, PETER JOHN |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Roz Maiorino           | 3763                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 17 November 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 52-54 and 56 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 52-54 and 56 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/03.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 52-53, 56 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S Patent No.5779677 to Frezza.

Frezza teaches an apparatus for injecting a substance into a surface which apparatus comprises a needle assembly 12, a container for substance to be injected, a means for applying the substance from the container to the tip of the needle, a means for driving the needle to penetrate the surface and deliver the substance thereto which means comprise a body spaced from the needle assembly and said drive means including means for accelerating the body to sticks the needle assembly and drive said needle into the surface.

2. Claims 52-53, 56 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S Patent No.4484910 to Sarnoff et al.

Sarnoff teaches an apparatus for injecting a substance into a surface which apparatus comprises a needle assembly, a container for substance to be injected, a means for applying the substance from the container to the tip of the needle, a means

for driving the needle to penetrate the surface and deliver the substance thereto which means comprise a body 36 spaced from the needle assembly and said drive means including means for accelerating the body to sticks the needle assembly and drive said needle into the surface.

3. Claims 52-54, 56 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S Patent No.4941880 to Burns

Burns teaches an apparatus for injecting a substance into a surface which apparatus comprises a needle assembly, a container for substance to be injected, a means for applying the substance from the container to the tip of the needle, a means for driving the needle to penetrate the surface and deliver the substance thereto which means comprise a body spaced from the needle assembly and said drive means including means for accelerating the body to sticks the needle assembly and drive said needle into the surface.

***Response to Arguments***

4. Applicant's arguments with respect to claims 52-54, 56 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roz Maiorino whose telephone number is 571- 272-4960. The examiner can normally be reached on 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4377. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RM



NICHOLAS D. LUCCHESI  
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